

WAIVER OF NOTICE AND CONSENT
OF SPECIAL MEETING

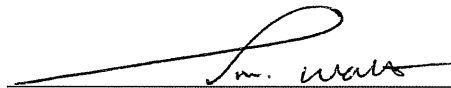
We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York at 3:00 p.m. on the 1st day of July, 2010 and do consent to the holding of such meeting for the purpose of the following:

Reso. #517 Awards Bid for Peconic Avenue Crosswalk Improvement Project

Reso. #518 Declares Public Emergency Regarding Condition of Wading River Creek and Creek Road Beach Erosion

Dated: July 1, 2010
Media Notified by
Supervisor

TOWN BOARD MEMBERS
of Riverhead, New York



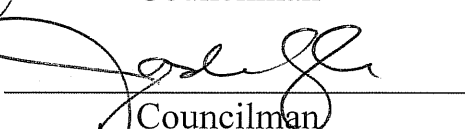
Supervisor



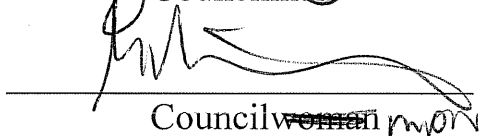
Councilman



Councilman



Councilman



Councilman

SPECIAL TOWN BOARD MEETING

July 1, 2010

The Special Town Board meeting was called by Supervisor Sean Walter at 3:00 P.M.

Present: Supervisor Sean Walter

Councilman John Dunleavy

Councilman Jim Wooten

Councilman George Gabrielsen

Councilwoman Jodi Giglio

Also Present: Deputy Town Clerk Juliann O'Neill

Town Attorney Dawn Thomas

Deputy Supervisor Jill Lewis

Deputy Town Engineer Christine Fetten

Supervisor Walter: We're opening up the Special Town Board Meeting to consider two resolutions. This is July 1, 2010, Special Town Board Meeting. It is 3 o'clock and this is a very happy occasion. The deputy Supervisor and Congressman Bishop have been working very hard but Jill Lewis and Chris Fetten is about to tell us, and without further ado, please give us an update as to what we are here for.

Deputy Supervisor Lewis: As you know from the March storm, the nor' eastern, the Wading River Creek had shoaled in. Actually today, if you were to go down there, at low tide, you could walk across it. The Fire Department had come to us, around April, telling us that that is a concern of theirs. They are not able to get Emergency boats out to the water, should there be any kind of accidents that they would have to go to. At this time, they need to go into Shoreham, where the power plant is, get through those gates and go out their jetty over there; they lose a lot of time having to do so. Since that time, we have been working with the Army Corp, the fish and wildlife services, New York State DEC trying to do a modification to our current permit. We are not 100% there and we thought we would have the permits in place by this afternoon, we are fairly close. The DEC has given us a few things we need to do to make our application complete.

Deputy Town Engineer Fetten: The function of the survey which, (the surveyor was out there yesterday) I am trying to expedite his analysis, (report) the electronic version of the data, so that we could cut the cross section that is required by the DEC along with the channel area, the cross section what it is now and what it will look like now and the dredged deposition area, what it looks like now and what it will look like when complete.

Deputy Supervisor Lewis: All three of these agencies seems like they will all issue permit at the same time, no one really wants to do it before the other one does it. I think that once everyone is satisfied, we will have this and it looks like if we get them the information by Tuesday, within 24 hours (it is a tremendous amount of work) we are hoping that by Wednesday (they are only giving us 14 days to do the work), we have to work at low tide, that is the reason why we are saying it is an emergency, because technically the clocks starts 24 hours after the contracts are issued and we only have 14 days to do the work. FEMA will be reimbursing us.

Deputy Town Engineer Fetten: FEMA has a project worksheet right now started for this. They need to have the post dredging survey from December of the last time we dredged, and a survey that the surveyors can finally get the information from now. They are going to do, we are going to give the quantity of material that has washed in and they are going to reimburse us for that at 75% FEMA reimbursement and 12-1/2 % SEMO which is a State Emergency Management Office reimbursement at 12-1/2%

Councilman Dunleavy: The material, where are you going to put it?

Deputy Supervisor Lewis: I talked with some of the home owners along Creek Road and I suggested that it has to go and the DEC is requiring that it has to go along the high means or high water mark which is what all the homeowners would like and I asked that they start with the homeowners furthest to the West and work their way East, because we are really impacting them with all these constructions crews and everything else therefore I thought it would be fair that we move East rather than going East to the West.

Councilwoman Giglio: Is the DEC going to tell us where the high water mark is?

Deputy Supervisor Lewis: Good point.

Councilman Dunleavy: One more question. Who is going to determine what the mean high water mark is?

Supervisor Walter: The DEC will make that determination.

Deputy Town Engineer Fetten: It will be the upper rack line. That is where all the debris is.

Councilman Dunleavy: That could be right up to their yards.

Deputy Supervisor Lewis: It is not. It is pretty far out right now.

Deputy Town Engineer Fetten: I need to add that with these storms and these declared events. The declared event with the storm in March, one of the issues that we have spoken about is coastal management. They call them engineered parks or beaches. And that's where you have a survey on it and you replenish it regularly, have green tide analysis done. They would, if declared an event in the future we should consider this. If it is a declared event and it is an engineered beach where we have

maintained it to a certain level over a certain time, they will be reimbursed for re-nourishment if we lose material out of that. As it stands, we don't have considered an engineered parks or beaches that are to that standard.

Supervisor Walter: How do we do that?

Deputy Town Engineer Fetten: I had got information, from Marty Shay's office awhile ago. It is a cost to get it started because you have to have an inventory of what you have now and maintain it. And if you want more beach material...

Deputy Supervisor Lewis: They are interested in solving our December dredging problems, because they are recognizing that this is happening and it keeps filling in. If the Town Board is interested, that we start to consider, after this is all done, setting up a meeting to discuss moving the jetty. But the first thought was to double the size of the dredge. Like we did 6,000 we would do 12,000 and does that make a difference in the following year, so they are looking into this as a permanent solution.

Supervisor Walter: Whatever it takes.

Deputy Town Engineer Fetten: They are actually looking into making the whole channel wider.

Councilman Dunleavy: Thank you for all the work you two put into this.

Supervisor Walter: We have to acknowledge Congressman Bishop for this. His office honestly worked tirelessly on this to get this done. We thank Congressman Bishop, I am sure we will have a press conference or something it is unfortunate that we had to spill the beans this way in a Town Board Meeting but we have to get these resolutions done so with that, please call the resolutions.

RESOLUTION #517

Councilman Dunleavy: Awards bid for Peconic Avenue Crosswalk improvement project, so moved.

Councilman Wooten: and seconded

Supervisor Walter: Moved and seconded, Vote please?

THE VOTE: Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution is adopted

RESOLUTION #518

Councilman Wooten: Declares public emergency regarding condition of Wading River Creek and Creek Road beach erosion, so moved.

Councilman Gabrielsen: and seconded

Supervisor Walter: Moved and seconded, Vote please?

THE VOTE: Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes. Resolution is adopted

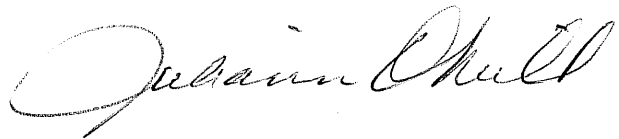
I also want to thank Peter Scully, the Regional Director of the DEC because I know that he had a lot to do with getting this done. Also, the Army Corp of Engineers because they helped moved this with NOAH.

John Dunleavy: I make a motion to close the meeting.

Sean Walter: All in favor?

ALL: Yea

The Meeting Adjourned at 3:15 p.m.

A handwritten signature in cursive script, appearing to read "Julian Phyll". The signature is written in dark ink and is positioned on the right side of the page, below the meeting adjournment text.

TOWN OF RIVERHEAD

Resolution # 517

AWARDS BID FOR PECONIC AVENUE CROSSWALK IMPROVEMENT PROJECT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead has been awarded a \$50,000 grant under "Suffolk County Steve Levy's Downtown Beautification and Renewal Capital Program" for a project in downtown Riverhead to connect the Grangebél Park TEA-21 Park Improvement project with the Riverfront Pedestrian and Bicycle Improvement Project to improve safety for pedestrians and bicyclists; and

WHEREAS, the Town of Riverhead has been awarded \$22,614.93 under Suffolk County consortium HUD CDBG funds for pedestrian safety improvements; and

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Peconic Avenue Crosswalk Improvement Project; and

WHEREAS, three (3) bids were received, opened and read aloud on Thursday, June 3, 2010 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Peconic Avenue Crosswalk Improvement Project be and is hereby awarded to Corazzini Asphalt, Inc. in the amount of Seventy Seven Thousand Eight Hundred Twenty and 00/100 (\$77,820.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with this project; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement with Corazzini Asphalt, Inc. for the aforementioned project; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Engineer to secure a Town of Riverhead purchase order from the Purchasing Department in the amount of \$77,820.00; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward certified copy of this resolution to Corazzini Asphalt, Inc., 6245 Cox Lane, Cutchogue, NY 11935, Ken Testa, P.E., Town Engineer, Chris Kempner, Community Development Director, the Purchasing Department and the Office of Accounting; and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Gabrielsen	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Wooten	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Dunleavy	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Walter					<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	

The Resolution Was ☒ Was Not ☐
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 518

**DECLARES PUBLIC EMERGENCY REGARDING CONDITION OF WADING RIVER
CREEK AND CREEK ROAD BEACH EROSION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, in March of 2010, the Town was plagued by a Nor'easter storm with extremely high winds causing high tides and surf which, in turn, resulted in major beach erosion and shoaling of Wading River Creek such that the creek was rendered impassable; and

WHEREAS, many area residents reported the devastating effects of the March Nor'easter and reiterated concerns expressed to Town Officials several months ago by the Wading River Fire District regarding the navigability of Wading River Creek impacting the Wading River Fire District's ability to timely respond to emergency calls and reported flooding of the roadways caused by the shoaling of the creek such that vehicle access to and from their homes was hazardous, at best; and

WHEREAS, in addition to the above, state officials contacted the Town and expressed concern over the health, safety, and welfare of residents and a need to re-open this access point to the Long Island Sound; and

WHEREAS, the engineers employed by Town Engineering Department and National Grid inspected the creek and confirmed that the March Nor'easter destroyed the Town's earlier dredging activity and once again the creek was rendered impassible; and

WHEREAS, immediately after the March Nor'easter the Town made application to the NYS Department of Conservation and Army Corp of Engineers for a modification to the permits, Permit No. 1-4730-0091/0009 and Permit # 2003-00515 respectively, which authorized the December 2009 dredging such that the Town would be permitted to re-dredge and obtain relief from the activity window restrictions of "Special Conditions 7 and 13"; and

WHEREAS, in addition to the notification and application to the NYS Department of Environmental Conservation and Army Corp of Engineers, the Town also reported the storm disaster to the Federal Emergency Management Agency (FEMA) and New York State Emergency Management Office (SEMO) for the purpose of obtaining emergency financial assistance for a re-dredge project; and

WHEREAS, the NYS Department of Environmental Conservation and Army Corp. of Engineers granted the Town's request for modification of the permits to re-dredge, however, the Town was informed that the dredging may only occur within the first two weeks July or the opportunity to dredge must be delayed until sometime in October; and

WHEREAS, the Town, after careful consideration of all factors, including the increase use of waters and beaches at this time of year, determines that the navigability of the creek and access/use of the creek by emergency personnel is vital to the Town's ability to protect the life, health and safety of the inhabitants of this area and delay will jeopardize emergency response time to the detriment of the health, safety, and welfare of town residents, such that an emergency exists requiring the Town to act immediately to address and remedy the situation; and

WHEREAS, the Town shall seek to utilize the services of Newborn Construction and Reddan Surveying, the entities retained by LIPA and the Town to perform dredging services in 2009, and Land Use Services (bird monitoring) such companies shall be required to undertake and complete all necessary re-dredging and related activities within the limited time parameters set by the permitting authorities; and

WHEREAS, the Engineering Department estimates that costs shall not exceed \$100,000.00 and the Town shall seek reimbursement for all costs, including but not limited to, survey, bird monitoring, sediment and erosion control, and dredging, of the Wading River Creek project from FEMA and SEMO, at 75% and 12 ½ %, respectively, for monies used to address to storm disaster DR1899NY; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board be and does hereby declare the conditions along the beach at Creek Road and the shoaling of Wading River Creek to be a public emergency under General Municipal Law section 103(4); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the expenditure of One Hundred Thousand Dollars \$100,000.00, with reimbursement from FEMA and SEMO for 75% and 12 ½ % for all costs related to the Wading River Creek project; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Financial Administrator for the Town of Riverhead to amend the budget as appropriate to reflect the authorization herein

BE IT FURTHER RESOLVED, that the Engineering Department shall secure such emergency purchase orders necessary to retain the services of Newborn Construction (dredging and sedimentation control), Reddan Surveying (pre/post dredge surveys), and Land Use Services (bird monitoring) in the amount not to exceed \$100,000.00; and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio ☒ Yes ☐ No

Gabrielsen ☒ Yes ☐ No

Wooten ☒ Yes ☐ No

Dunleavy ☒ Yes ☐ No

Walter ☒ Yes ☐ No

The Resolution Was ☒ Was Not ☐
Thereupon Duly Declared Adopted